

JUL 19 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

SHAWN DARNELL MASON,

Plaintiff,

v.

SGT. HARRIS,

Defendant.

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Civil Action No. 7:11-cv-00266

MEMORANDUM OPINION

By: Hon. James C. Turk  
Senior United States District Judge

By Order entered June 28, 2011, the court ordered that a filing fee be assessed in the amount of **\$350.00**. See 28 U.S.C. §1915. Plaintiff was given ten days from the date of the Order to forward to the court a signed consent to withholding form. Plaintiff was notified that failure to return the consent form to the court within the time allowed would result in the dismissal of his action without prejudice. The time allowed for plaintiff to return the consent to withholding form has expired, and plaintiff has failed to return the form as directed. Accordingly, the action is dismissed without prejudice for failure to comply with a court order and failure to prosecute. Plaintiff may refile his claims in a new and separate action at the time of his choice.

The Clerk is directed to send a copy of this memorandum opinion and the accompanying order to plaintiff.

ENTER: This 19<sup>th</sup> day of July, 2011.

  
Senior United States District Judge